

Policy Brief No. 11

The Education of Children of
Migrant Women in Mexico:
A Right Denied in Practice

Migration, Gender and Social Justice:
Connecting Research and Practice Networks



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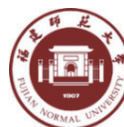
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The Education of Children of Migrant Women in Mexico: A Right Denied in Practice

Executive Summary

Access to education for children of migrants who live or work in Mexico is not sufficiently guaranteed, despite provisions of the Mexican Constitution and the commitments the country has made via its ratification of international treaties and conventions. In most local areas, the right to education is not met due to a lack of information on the part of local authorities and school teachers with respect to Mexican law. In many cases, the lack of birth certificates for children born in Mexico is also a mitigating factor. Based on a study of the experiences of Guatemalan migrant women, this policy brief explores the problem of lack of access to education for the children of migrants and recommends solutions to the government of Mexico.

Policy Brief No. 11: The Education of Children of Migrant Women in Mexico: A Right Denied in Practice

This policy brief has been prepared within the IDRC-sponsored project 'Migration, Gender and Social Justice', and is based on research undertaken in Mexico for the project 'Advancing the Rights of Migrant Women in Latin America and the Caribbean' (2007–2010), coordinated by Tanya Basok and Nicola Piper and funded by the IDRC. The research team in Mexico included: Martha Luz Rojas Wiesner and Hugo Ángeles Cruz, researchers at El Colegio de la Frontera Sur.

For additional insight into the findings of this research, see:

Martha Luz Rojas Wiesner (2013) 'Paradoxes of In/visibility and Access to Citizenship: The Case of Guatemalan Migrant Women in Mexico', in Truong et al. (eds) *Migration, Gender and Social Justice: Perspectives on Human Security*. Heidelberg: Springer.

Introduction

The right to education is enshrined in the international legal framework of human rights as well as in the national and local legislation of many countries, including Mexico. This universal right should be guaranteed to everybody, regardless of national origin, ethnic background, social class or immigration status. In practice, however, this right does not extend in Mexico to certain sectors of society, including migrants and their children,

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whether these children are migrants themselves or were born in Mexico. Those who are undocumented face even greater challenges accessing the right to education due to difficulties in meeting the legal requirements imposed for educational institutions in Mexico, mainly by the Ministry of Public Education.

Provisions of the Mexican Constitution state that all inhabitants of Mexico shall enjoy equal access to the national education system, and Mexico has signed several international instruments, including the International Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Their Families. However, while the universal right to education regardless of migration status is guaranteed in law in Mexico, the research findings on which this policy brief is based show that this right is not applied in practice. The Ministry of Public Education is inconsistent in its requirements for school enrollment, noting in some informational materials that children who have studied

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abroad must submit their migration documentation in order to enroll, while in other materials the requirements with respect to foreign-born children are not explicitly stated. In addition, the oft-cited requirement that children present their birth certificates or other civil registration documents for school enrollment indirectly implies that only regularized migrants with official documents can comply with this, as undocumented children are not able to attain such documents and undocumented parents are often unable to register their Mexican-born children.

Thus, the lack of access to education is, in most cases, the result of inadequate or incorrect information imparted to the school teachers and parents, as well as various barriers faced by migrants in obtaining documentation. Teachers often require children born in Mexico to present their parents' immigration documents and, for children born abroad, their own immigration and identity documents as well as educational accreditations if they have already completed a school year. This is likely a result of ignorance and confusion surrounding the actual legal requirements for such documentation. For their part, parents face different obstacles: undocumented migrants also lack information about what is legally required to enroll their children in school and are too fearful to ask for assistance, while documented migrants may not always have the facilities to process the documents required, even if they possess them.

In many cases, the denial of the right to education is

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also connected to the denial of the right to identity, as many children born in Mexico do not have birth certificates. The procedure for registering a birth and obtaining a birth certificate requires documentation of the parents' legal status, a practice that is antithetical to international law and the principle of the best interests of the child. There are additional barriers to obtaining birth certificates for Mexican-born children as well, and without a birth certificate a child usually cannot attend school. Thus, the problem of accessing rights is not detached from the contexts in which migration occurs and the dynamics and experiences of the families of these children.

This paper is based on interviews conducted between 2007 and 2011 with 15 informants from various governmental and nongovernmental institutions and 55 Guatemalan migrant women with varying legal statuses, educational backgrounds, motivations for migrating and employment in Mexico. The research was carried out as part of the project 'Advancing the Rights of Migrant Women in Latin America and the Caribbean', funded by the International Development Research Centre (IDRC) of Canada. The women interviewed identified a number of problems related to access to social, economic, cultural and civil rights, which affect not only them, but also their families. Among the problems noted was the inability to register the births of their children, which consequently affects the right to education. As a result of this research, several recommenda-

tions have been made to help increase access to education for the children of migrants in Mexico.

Research findings

The information gathered made clear the complexity of the migratory phenomenon as well as the need to analyze the situation of women under different migration flows. In the Mexican case, there are considerable differences not only in the migration dynamics, but in the composition and characteristics of those involved in the migratory process. Women have different experiences of migration, which vary according to different circumstances.

For this particular study, 40 of the women interviewed were immigrants, nine were temporary workers, and six

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were transborder migrant workers who live in Guatemalan border towns but commute to Mexico for work for periods of less than one week at a time. Over half (29) of the women were documented, 13 were inadequately documented due to expired visas or the lack of work authorization, and 13 were undocumented. Economic reasons were cited as the main reason for migrating by 29 women, while the other women reported coming to Mexico for safety from political violence in the 1980s (13 women), for family reasons (9) or fleeing from domestic violence (4). Almost all of the women interviewed were employed outside the home (48), primarily in services (such as domestic labour), formal and informal trade activities, and agriculture. While there were three women with university degrees, the average number of years of education among the women was 4.9 years with many of them having no education. On average, the women interviewed have three children, but some have up to nine children.

The interviews with these participants confirmed that Guatemalan migrant women in Mexico face problems related to access to many rights including health, decent work, safety from violence, justice, decent housing, equal treatment, freedom of mobility and residence, and freedom of expression. The women also reported a trend of discrimination and isolation, with few social networks and little access to information. Particularly troublesome was the lack of access to identity and education for their children.

The children's lack of access to education is especially concerning given the household composition of the women interviewed: 30% of household members were between 10 and 19 years of age, and 23% were under the age of 10. For many of the women, the lack of access to education begins with the birth of their children, because they face obstacles in the civil registration of births in Mexico. One woman, in response to a question about experiencing discrimination, related that, when she tried to register the birth of her infant daughter in Campeche, the officer of the register refused to allow it because the woman was Guatemalan. This happened despite the fact that Article 68 of the General Population Law stipulated that children less than six months of age can be registered in Mexico without proof of parental legal status. In the new migration law, this provision was expanded to allow all children to be registered regardless of age and parental legal immigration status.

Faced with the prospect of not being able to register their children in Mexico, some women who are able to arrange it prefer to register their Mexican-born children in Guatemala, which can alleviate the problem but does not solve it. And in some cases it may even be counter-productive, for example by providing contradictory information when the documents are subjected to verification by immigration authorities.

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cient concern or political will surrounding this topic and, though there has been some in Chiapas, there is virtually no discussion of it in the other states bordering Guatemala and Belize. Though they do provide the nationality of registered students, current statistics generated from school reporting do not provide an accurate picture of the problem because students are not disaggregated by nationality or immigration status of children's parents. Additionally, some children may be attending school, but without recognition. Other children may be in school but with documents that are not theirs. Still others may attend school but remain silent on their national origin. In this sense, the issues surrounding the recognition of access to education problems and the guarantee of this right cannot be resolved without better data. It is also necessary to know the different stakeholder voices, including migrants themselves and their difficulties in exercising this right.

Conclusion

The difficulties in accessing the right to education are

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diverse and depend on the characteristics and migration experiences of the migrant families. One of the main obstacles to promoting and ensuring the access to education, however, is the issue of invisibility of certain migrant populations. It is a particularly salient issue in the case of migrant children and the children of undocumented migrants who are born in Mexico. This invisibility has much to do with parents being unable to register (themselves and) their children's births or provide the necessary legal immigration documents for enrollment.

Implications and recommendations

There is a need for the Ministry of Education and the

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Ministry of Interior in Mexico, both at the local and state levels, to ensure the right to education. Specifically, inclusive and quality education for migrant children and the children of migrants must be sought, reviewing and adapting school curricula in border areas and ensuring that teachers meet these goals and improve the quality of their programmes. To that end, the following recommendations are made to the Mexican government:

- *Ensure that current regulations are consistent with the commitments to education guaranteed by the Mexican Constitution and the new immigration law adopted in 2011.*
- *Harmonize state and local provisions with national ones.*
- *Ensure that officials at all levels, academic administrators and school teachers receive training in the*

implementation of regulations, particularly those laid out in the new immigration law with respect to the rights to civil birth registration and education regardless of legal status, and that their compliance is monitored. Those dealing directly with migrants and the children of migrants must be trained to understand the needs of this population and should be trained to practise equality and nondiscrimination.

- *Perform area or regional assessments in the states along the southern border of Mexico to identify the needs of different migrant populations. While there is progress in some states, in others there is still little concern about the issue.*
- *Improve data collection through systematization, and disseminate information disaggregated by gender, school levels and educational quality.*
- *These concerns must be placed in a broader discussion related to the pursuit of social justice and human development, considering that migration processes have become more complex due to the effects of globalization and national security concerns, among other factors.*

